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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,948	06/29/2001	Scott C. Harris	Shape	1049
23844	7590	03/13/2006	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			COUSO, YON JUNG	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,948

Applicant(s)

HARRIS, SCOTT C.

Examiner

Yon Couso

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's arguments with respect to claims 1-3, 6-17 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 and 6-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly added limitation "actual objects" in the June 20, 2005 amendment does not have proper support in the originally filed specification.

The specification discloses "real parts" (paragraph 0003), "actual device" (paragraph 0007), "actual substantive content" (paragraph 0013), "actual things" (paragraph 0023), "real-life items" (paragraph 0024), "real object" (paragraphs 0025 and 0028), and "object" (paragraphs 0026, 0027, and 0032). However, the specification does not clearly define each term shown above. There is no way of distinguishing if they are referring to the same or different object, part, thing, device, content, and/or item. Having said that, "actual objects" is not disclosed and it is not clear whether the actual object is same or different from any or all of the above listed object, part, thing, device, content, and/or item.

The specification also fails to disclose "a unit actual object". Paragraph 0007 discusses "a unit shape", however, the specification does not teach a unit actual object.

Paragraph 0029 states that "The figure 5 embodiment may also use the techniques in Figure 3, i.e., it may recognize geometric shapes, in addition to real object. It appears that there is no difference in processing geometric shapes as to processing real object. The examiner believes the reason there is no difference between geometric shapes and real object is whether to call a ball, a ball, a circle or a sphere. Not only the "actual objects" in view of the specification not clear as to exactly what the "actual objects" are, but it is clear shapes and objects are treated the same way and processed the same way as discloses in the specification. Please explain.

3. Claims 1-3, 6-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4 "the recognized part" does not have proper antecedent basis. It is not clear what the "recognized part" is.

Claim 9 has the same problem as indicated above in claim 1

Claim 8 depends from a canceled claim 5. The scope of the claim cannot be determined at this time.

Claims 2-3, 6-7, and 10-13 variously depend from an indefinite antecedent claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2625

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsugu et al (US Patent No. 6,463,176).

As per claim 1, Matsugu teaches a method comprising: analyzing an image to recognize actual objects within the image (column 11, lines 59-67); and replacing recognized actual objects within the image by an indication representing the recognized part (column 11, line 67-column 12, line 6).

As per claim 2, Matsugu teaches providing individual part information indicative of how the actual object within the image differs from a unit actual objects (column 12, lines 19-column 13, line 23).

As per claim 3, Matsugu teaches individual part information includes information about size and orientation of the actual objects relative to the unit actual objects (column 13, lines 26-35).

As per claim 6, Matsugu teaches obtaining information about subparts of the actual object (32 in figure 3).

As per claim 9, Matsugu teaches an image analyzing device, comprising: an image obtaining device, obtaining a n electronic file indicative of an image (A1 and A7 in figure 1A); a database, storing a plurality of image parts representing likely parts which may exist in the image (A10 in figure 1A); and an image processing device, processing the electronic file to recognize parts within the electronic file that correspond to the

image parts in the database (A8 in figure 1A and column 4, lines 34-43), and to provide a modified electronic file, indicative of the image, which replaces the recognized parts with indications representing the recognized parts based on information in the database (column 6, lines 36-44).

For claim 10, see claim 2.

For claim 11, see claim 3.

For claim 12, Matsugu teaches recognizing actual objects in the image, and finds image parts in the database which correspond to the actual object (column 12, lines 56-64).

For claim 13, Matsugu teaches storing information indicative of other objects in the image which may be appear near the actual objects, and wherein the image processing device processes the electronic file to look for the other objects (column 13, line 57-column 14, line 32)

5. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwane (US 2002/0106135).

As per claim 14, Iwane teaches a method comprising: analyzing an image against a database, to find portions of the image which are present in the database, and to replace the portions of the image which are present in the database with information based on the image in the database (paragraphs 0196-0214 and paragraphs 0238-0265); and storing a list of image which are not found in the database to be later used to update the database (paragraphs 0266-0270).

As per claim 15, Iwane teaches sending the list of image portions to a database developer (paragraph 0238-0262).

As per claim 16, Iwane teaches analyzing comprising compressing the image using information in the database (paragraph 0004).

As per claim 17, Iwane teaches obtaining updates to the database to the database from the database developer (paragraph 0270).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Auty et al (US Patent No.5,809,161).

As per claim 1, Auty teaches a method comprising: analyzing an image to recognize actual objects (column 5, lines 13-17); and replacing actual objects within the image by an indication representing the recognized part (column 5, lines 23-26).

As per claim 6, Auty teaches obtaining information about subparts of the actual object (column 6, lines 3-5).

As per claim 7, Auty teaches the subparts include text information (column 6, lines 26-30)

As per claim 9, Auty teaches an image analyzing device, comprising: an image obtaining device, obtaining an electronic file indicative of an image (column 4, lines 53-58); a database, storing a plurality of image parts representing likely actual objects

Art Unit: 2625

which exist in the image (49 in figure 6 and column 6, lines 11-12); and an image processing device, processing the electronic file to recognize actual objects within the electronic file that correspond to the image parts in the database (42 in figure 6 and column 5, line 63-column 6, line 20), and to provide a modified electronic file, indicative of the image, which replaces the recognized actual objects with indications representing the recognized parts based on information in the database (column 5, lines 18-26 and column 6, lines 31-43).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ichige et al and Ciolli et al are also cited

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (571) 272-7448. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

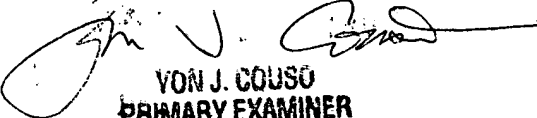
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu, can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2625

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC



VON J. COUSO
PRIMARY EXAMINER

March 5, 2006